

June-'46

INTERNATIONAL CITY MANAGERS' ASSOCIATION
1313 EAST 60TH STREET - CHICAGO 37, ILLINOIS

Route To:

Return To:

This report was prepared in response to an inquiry from a municipality subscribing to this Service and is distributed to all subscribers. The contents may not be reproduced without permission.

REGULATION OF CURB CUTS AND SERVICE DRIVEWAYS

What is the practice of cities in regulating curb cuts and service driveways over sidewalks?

Many cities have adopted regulations as to driveway widths and as to construction specifications. The city may not deny property owners ingress to or egress from their property, but it can set up reasonable provisions for access to properties, establish reasonable charges for issuing permits for inspection, enforce reasonable construction specifications, and set up regulations governing the remainder of the street front. Cities which have not yet adopted such regulations may find it desirable to make a survey of existing curb cuts and driveways in order to determine what would be a reasonable regulation.

The number and width of the driveways permitted across the curb and sidewalk are matters over which cities have complete control. A city may go so far as to refuse permits for curb cuts needed to gain access to a filling station, and existing permits for curb-sidewalk cuts can be cancelled. The city is limited in the extent to which it can go only by what the community as a whole thinks is reasonable. If a city were to pass an ordinance limiting the opening across the curb and sidewalk to 25 feet and a property owner who thought he was adversely affected by the ordinance would take it to court, the court would base its decision very largely on what could be shown to be reasonable. If leading citizens and property owners were to appear in favor of the ordinance, then the city's case probably would stand. If, on the other hand, they were to oppose such a provision, it is likely that the property owner would win and the city would have to pass a new ordinance limiting the width perhaps to 30 feet.

Procedure in Adopting Regulations. It may be desirable to make a survey as a basis for drafting reasonable standards. Many cities have no ordinance controlling the cutting of curbs, but require only a permit to tear up pavement. This was the situation in Kenosha, Wisconsin, in 1937 when the city decided to set up some standards. The first step was to direct the city engineer to measure all filling station driveways in the city. This survey indicated that all gasoline service stations in Kenosha had two driveways and some had three. The larger driveways ranged from 47 feet to 131 feet in width, and the second driveways ranged from 30 feet to 82 feet. The average width of all service station driveways was in excess of 50 feet, or a minimum of 100 feet. An analysis of the problem revealed that driveways of 35 feet could reasonably satisfy the needs of the station.

The Kenosha survey showed that in many instances an unwarranted use was made of public thoroughfares for private purposes. Excessive widths of driveways added to hazards of pedestrians, eliminated needed parking space, and in some cases proved a detriment to the conduct of the business served. At the time the survey was made the city had no ordinance controlling the cutting of curbs

(OVER)

except a general one requiring a permit to tear up the pavement.

As a result of this survey Kenosha set up standards for the width of driveways into filling stations and garages, and required that existing driveways be brought into conformance with the new requirements as of a certain date. Notices were sent out in April, 1937, advising all such places that if alterations were not made by November 1 the city would do the work and charge the cost against the property on the tax bill. The new ordinance required that: (1) no one shall build and maintain a driveway across a curb or walk without obtaining a permit from the public works department; (2) all construction work on such driveways shall be done in conformity to proper standards and workmanship; (3) no driveway shall exceed 35 feet at the outer edge of the sidewalk; (4) no curbing shall be cut within four feet of the regular crosswalk; (5) where two or more adjoining driveways are provided for the same property a safety island of not less than 10 feet at the outer edge of the walk shall be provided; and (6) no driveway apron shall extend into the street further than the base of the curb or into the gutter area. Applications for a license to make curb cuts in Kenosha are furnished on a blueprint copy of specification requirements.

Regulations Adopted by Kalamazoo. Another city that has set up minimum standards for the construction of filling stations and driveways is Kalamazoo, Michigan. The city has drafted sample plans and requirements for layouts of filling stations for corner locations and for mid-block locations. Permission for the construction of a filling station is granted only by resolution of the city council in regular session. An application must be submitted in which detailed information is set forth including a complete set of plans drawn accurately to a scale such that one inch of the plan equals not more than four feet on the ground. The Kalamazoo specifications relating to curb cuts and service driveways for filling stations are:

1. Two driveways only are allowed.
2. Maximum width of any drive shall not exceed thirty feet face to face of curb.
3. Driveways shall be bounded on each side by a curb with a perpendicular face varying in height from 0" at the outside of the sidewalk to 6", or the height of the city curb, if existing curb is more or less than 6" at the curb line.
4. If the placement of equipment is such that a car may stand on the walk during servicing or when entering or leaving the station drive over a portion of the walk not included in the regular driveways, a curb not less than 6 inches in height, 8 inches wide shall be placed on the property abutting the street extending the full length of such portion of the walk as may be subject to this condition and made integral with the driveway with reinforcing placed in the curb so that it cannot be easily removed, or if separated from the driveway at least 18 inches deep, 8 inches wide and 6 inches above the driveway with necessary reinforcing so that it cannot be broken off easily; also, curb and gutter where driveways placed must both be removed and replaced as an integral part of the driveway. All existing sidewalks where driveways cross must be removed and replaced as part of the driveway. All concrete driveways within the street limits shall be reinforced and not less than 6 inches in thickness and meet all other requirements of the city.
5. Hard surface such as concrete or asphalt may be required for the paving of all driveways.

6. In the event that walks do not exist adjacent to the property, it may be required that walks on the line and grade as set by the city engineer be included in the construction of the station.

7. Existing walks may be changed as to grade, only when such change is not disadvantageous to adjoining walks and properties and then only upon permission and at a grade set by the city engineer.

8. It is presumed in the above conditions that the inside of the sidewalk is on the street line. In locations where the walk is in the street, the property line prevails and is to be used as the line to which distances are measured.

9. In the event that curb does not exist adjacent to the property, curb may be built, if the petitioner so desires, but only on line and grade and of the cross section and materials designated by the city engineer.

10. Where driveways interfere with drainage of the street, as in the moving or removal of catch basins, permission shall be granted only when such change is made with the approval of, and according to plans prepared by the city engineer.

11. The removal of large trees on city property shall be carefully avoided and plans made to install driveways in such a manner that the removal of such trees may be avoided. The removal of any tree on city property (in the street) may be permitted only by the city commission.

Practices in Other Cities. Perhaps the most common width allowed is 25 feet at the sidewalk line. In Dayton, Ohio, driveways of eight feet and over are termed special privileges and a license can be granted only after approval by the city council. However, before this is done the application containing detailed information together with a blueprint plan must be submitted in quadruplicate. The application must be advertised for two weeks and a hearing held. The application must be accompanied by \$5 for the permit, plus an additional \$5 for advertising. After the advertising has been paid for the balance of the \$5 is returned to the applicant. Dayton has established regulations which place 30 feet as the maximum width for such driveways. If two exits are required, the city permits a second or even a third driveway, but these drives cannot be closer than six feet.

Winnetka, Illinois, requires that the driveways may not be over 16 feet in width at the lot line but may flare out to a greater width at the curb at the discretion of the superintendent of public works. A permit for one additional driveway of equal width may be granted if upon investigation it is found that the construction and maintenance of such a driveway will not substantially impair, endanger, or interfere with the public safety. Colorado Springs, Colorado, forbids any single opening at the curb in excess of 25 feet and in general only one such opening is allowed on one frontage. Under special conditions two openings of 25 feet each are permitted provided that at least eight feet of sidewalk is left between them for a safety island for pedestrians. Hamilton, Ohio, limits single driveways to 40 feet in width and if two are permitted they are not to exceed 30 feet each.

Some cities find it advisable to include in the permit a provision that it may be revoked or modified by the city council. In such case, or if the location is abandoned, the owner should be required to remove the driveways and restore the sidewalk, parkway, and curb so as to conform with the remainder of the curb and sidewalk on the street, and that such work be done to the satisfaction of the city and without cost or expense to the city.

NOTE: MIS subscribers may secure on request loan copies of typical ordinance provisions on service driveways.

MANAGEMENT INFORMATION SERVICE
1313 East 60th Street, Chicago

INDEX TO REPORTS

This index covers Report Numbers 1 through 20 issued during the six-month period January to June, 1946

	<u>Month of Issue</u>	<u>Report No.</u>	<u>Page No.</u>
Filing			
Central files	Jan.	4	1
Correspondence, in City Manager's Office.	Feb.	9	1
Correspondence, generally	Jan.	4	1
Finance			
Collection of taxes through banks . .	June	19	1
Joint collection of tax and water bills. (see <u>Revenues</u>)	June	19	1
Fire Protection			
Manpower Requirements	May	16	1
Use of Radio by Fire Departments . .	Mar.	11	1
Licenses			
Business.	Jan.	1	1
Taxis	Mar.	12	4
Ordinance			
Curb Cuts and Service Driveways . . .	June	20	3
Sewage disposal-industrial wastes . .	Supplement to Report	No. 6	
Sick Leave	Jan.	2	2
Taxis, regulation	Mar.	12	4
Traffic Citations	Supplement to Report	No. 15	
Parking Meters			
Bids Received	Apr.	14	2
Cities with	Apr.	14	1
Purchasing Specifications	Apr.	14	2
Revenues	(Jan.	1	1
	(Apr.	14	2
Tests on Five Makes of Meters . . .	Apr.	14	2
Types of in use	Apr.	14	1
Personnel			
Annual Leave, payment for unused portion.	Jan.	2	1
Sick leave, control of.	Jan.	2	1
Sick leave ordinance- (See <u>Salaries</u> , <u>Police</u> .)	Jan.	2	2

(OVER)

	Month of Issue	Report No.	Page No.
Police			
Fraternal Order of Police	Apr.	13	6
Manual of Instructions	Feb.	7	1
Rewards	Jan.	5	2
Rules and Regulations	Jan.	7	1
Tests for recruiting	Jan.	5	2
Uniforms and Equipment	Jan.	5	1
Unions: Cities with	Apr.	13	1
Method of operation.	Apr.	13	1
Prohibited	Apr.	13	3
Public Works			
Control of Small Tools	Feb.	8	1
Curb Cuts and Service Driveways, regula- tion of	June	20	2
Ordinances, regulating curb cuts and driveways	June	20	3
Revenues			
Trends in Admission, Amusement, Ciga- rette, Income, Sales, Utility, and Miscellaneous Taxes.	Jan.	1	1
Salaries			
Changing Daily Wages to Annual Wages	Mar.	10	1
Elements of a Sound Pay Plan.	May	18	5
Over-all Pay Increases.	May	18	3
Survey of Prevailing Rates.	May	18	2
Sewage Disposal			
Industrial Wastes, Regulation of. .	Feb.	6	1
Schedule of rates	Feb.	6	2
Ordinances, regulating	Supplement to Report No. 6		
Sewer Service Charges			
Service Charges	(Jan.	1	1
	(Feb.	6	2
Service Charges to Outside Users. .	May	17	1
Methods of Charging individual prop- erty owner	May	17	2
Sample contracts for outside service	May	17	3
Taxis			
Insurance, required	Mar.	12	3
Franchise plan	Mar.	12	1
Licensing plan	Mar.	12	2
Limiting number of.	Mar.	12	3
Regulation of	Mar.	12	1
Ordinances.	Mar.	12	4
Traffic Control			
Arrest and conviction records of 30 cities	Apr.	15	4
Auditing tickets issued	Apr.	15	2
Controlling ticket system	Apr.	15	1
How to handle traffic violations .	Apr.	15	2
Typical ticket regulations.	Supplement to Report No. 15		
Water Supply			
Allocating Costs to outside users .	Jan.	3	2
Outside water service rates	Jan.	3	1